

Appl. No. 10/616,956
Response and Amdt. dated July 22, 2004
Reply to Office Action dated March 23, 2004

REMARKS/ARGUMENTS

Applicant gratefully acknowledges the indication of allowable subject matter in Claim 24 and the thorough Examination to date. Applicant has made an effort to fully respond to all the issues raised by the Examiner. Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

Objection to the Specification.

The Examiner has objected to the Abstract of the Disclosure as including improper terms and for containing more than 150 words. The Abstract has been amended to be in proper language and format.

Objection to the Claim.

The Examiner has objected to Claim 14 for missing a period after the term "therethrough". We note that the term "therethrough" is actually in Claim 24 and not Claim 14. Applicant has amended claim 24 to correct the typographical error noted by the Examiner.

Rejection of Claims under 35 USC §112

The Examiner has rejected Claim 17 as being indefinite. Claim 17 has been currently amended to depend from Claim 16 creating the correct antecedent to the term "said saucer-shaped platform".

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Rejection of Claims under 35 USC §102(b).

Applicant has amended Claim 1 to better define the subject matter and to overcome the Examiner's rejections.

The Examiner has rejected claims 1-5, 9, 10, 16, 17, 19, and 23 under 35 U.S.C 102 (b) as being anticipated by Dalton. The Examiner is indicating that all of the features of Claim 1 are disclosed in Dalton. Applicant respectfully submits that this rejection is not sustainable as the Dalton patent discloses a smoking stand that has a means for extinguishing and collecting lighted cigar and cigarette butts and would not be used to support animal feeders. Dalton's invention is not only directed to a different purpose from the present invention but also there is no indication or suggestion that animal feeders could be used with Dalton's smoking stand. Furthermore, a person skilled in the art would not be motivated to look at smoker's stand when solving the problem of collecting and retaining waste for an animal feeding apparatus.

Additionally, Figure 1 cited by the Examiner includes cigar rests (36) attached thereto by screws (37). Both the cigar rests and the screws are not only unnecessary to this invention to work, but also an unwanted components.

The Examiner's rejection to the Claim 1 is believed to be overcome.

As the relevance for the references is not seen for Claim 1, which is believed to be novel, claims 2-5, 9, 10, 16, 17, 19 and 23, which are dependent to Claim 1, are consequently believed also to be novel, overcoming the Examiner's objection to the claims.

The Examiner has further rejected claims 1-3, 5, 6, 9, 10, 16, and 19-21 under 35 U.S.C 102 (b) as being anticipated by the cited reference of Wilmanns. Applicant respectfully submits that this rejection is not sustainable as Wilmanns also discloses smoker's stand and would not be used to support animal feeders. Wilmanns' invention is not only directed to a different purpose from the

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present invention but also there is no indication or suggestion that animal feeders could be used with Wilmanns' smoking stand.

Also, the Examiner's statement that Figure 3 in Wilmanns discloses a cover has no support in the disclosure as character 37 in Figure 3, as described by Wilmanns, is a strap and not a cover. Also, the Examiner's assertion that the platform described by Wilmanns in Figure 3 includes a support capable of supporting a bird feeder has no support in the disclosure. Character 38, as described by Wilmanns, is a socket adapted to interchangeably support a match box or a cigar lighter, and not a cover. Furthermore, even if the support 38 was capable of supporting a bird feeder, the bird feeder would be located above the strap 37, (which has been defined by the Examiner as a cover). Such an arrangement would not only be different from this invention, but also unable to protect the feeder from the weather.

Furthermore, a person skilled in the art would not be motivated to look at smoker's stand when solving the problem of collecting and retaining waste for an animal feeding apparatus.

The Examiner's rejection to the claims is believed to be overcome.

Rejection of Claims under 35 USC §103

Applicant has amended Claim 1 to better define the subject matter and to overcome the Examiner's rejections.

The Examiner has rejected claims 11-15, 18, 21 and 22 under 35 U.S.C. 103(a) as being obvious in view of the cited references of Dalton, Wilmanns, LeBlanc and Luedecke. The Examiner is indicating that not only all of the features of Claim 1 are disclosed in Dalton and Wilmanns, but is also indicating that it would have been obvious to a person of ordinary skill in the art to modify the devices of Dalton or Wilmanns to include the features of the rejected claims.

As discussed above, Claim 1 of this invention is not only novel regarding Dalton's and Wilmanns' patents but also, non-obvious as a person skilled in the art would not be motivated to look

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at smoker's stand when solving the problem of collecting and retaining waste for an animal feeding apparatus.

Also, as the relevance for the references is not seen for Claim 1, which is believed to be novel and non-obvious, claims 11-15, 18, 21 and 22, which are dependent to Claim 1, are consequently believed also to be non-obvious, overcoming the Examiner's objection to the claims.

The Examiner's rejection to the claims is believed to be overcome.

Conclusion

Applicant respectfully submits that the outstanding rejections under 35 USC §112, §102 and §103 have been overcome by the above amendments and arguments. Applicant has made an effort to substantially eliminate any unclear details within the Specification and Claims and believe that no new matter has been entered during this process. Accordingly, reconsideration and allowance of this application is respectfully solicited.

Should any further fees or payments be necessary for entry of this response and amendment and further prosecution of this application, the undersigned hereby authorizes the Commissioner to debit and/or credit our Deposit Account No. 16-0600.

Respectfully Submitted,

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